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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,600	11/15/2000	Harold Kraft	61000/101	9771

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EXAMINER
LE, MIRANDA

ART UNIT	PAPER NUMBER
2159	

MAIL DATE	DELIVERY MODE
05/01/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	09/713,600	KRAFT ET AL.
	Examiner	Art Unit	
	MIRANDA LE	2159	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 April 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires _5_ months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _1-8,10-20,22-32,34-49,51,53 and 55_.

   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

   _____.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.

13. ☒ Other: <u>See Continuation Sheet</u>.

/Miranda Le/
Primary Examiner, Art Unit 2159

Continuation of 13. Other: Applicants' arguments do not overcome the final rejection as for the following reasons:

1. Contrary to Applicant's arguments, the system of Rao enables users to access the information sources having different functional capabilities, different search engines, different protocols, etc. (i.e. The problem of query refinement is exacerbated when the query is directed towards multiple disparate information sources (databases). This is because each of the information sources may have different functional capabilities, different search engines, operate under different protocols, etc. There are no known systems which been designed to provide aids for query refinement on collections of documents that have been obtained responsive to a query to multiple disparate information sources, Rao, col. 1, line 66 to col. 2, line 7).

     Rao provides a secondary content analysis to refine query submitted by users for accessing the information sources may have different functional capabilities, different search engines, operate under different protocols. (i.e. An information retrieval system which provides for secondary content analysis of retrieved collection of documents is disclosed. The collection of documents is the result of a query to one or more information sources, e.g. databases. The secondary analysis may be performed for various reasons such as summarization of the collection, navigation through the collection, understanding the relationship between the documents in the collection or for query refinement. In the currently preferred embodiment, the secondary analysis is comprised of generating statistical information which may be used for query refinement and for more effective browsing of the ephemeral document collection. The analysis performed is termed secondary since some primary analysis may have been performed at the information sources. The secondary content analysis is performed on an Information Access (IA) client who can couple to the various information sources, Rao, col. 2, lines 9-26)

2. Selecting one of a plurality of user input, stored electronic records search requests form a queued search database to execute next based upon one or more selection criteria.

     This step is taught by Rao as "query refinement", this is understood as a query does not directly access the information sources, but the query is stored and refined to match with the information sources having different functional capabilities, different search engines, different protocol, etc. (i.e. The problem of query refinement is exacerbated when the query is directed towards multiple disparate information sources (databases). This is because each of the information sources may have different functional capabilities, different search engines, operate under different protocols, etc. There are no known systems which been designed to provide aids for query refinement on collections of documents that have been obtained responsive to a query to multiple disparate information sources, Rao, col. 1, line 66 to col. 2, line 7).

     The stored electronic records search requests from a queued search database to execute next based upon one or more selection criteria limitation equates to the query translated and transmitted to the respective information sources of Rao (i.e. The general method of query refinement and browsing enabled by the present invention is comprised of the steps of: a user generating a query, the query translated and transmitted to the respective information sources, the results returned and collected, secondary content analysis performed on the returned collection wherein document level and collection level statistics are obtained, the user selects a query refinement option, the statistics are used to provide the selected option, and the user refines their query as needed, Rao, col. 2. lines 27-36).

3. Determining which of two or more different types of communication medium can be used to access at least one of a plurality of electronic records databases associated with the selected one of the electronic records search requests.

     The step of query refinement of Rao is based on the characteristics of information sources (i.e. In addition to aiding the query refinement process, the performance of secondary content analysis on a collection of documents has other advantages. First, it permits more efficient browsing. Second it permits the use of the query refinement and browsing techniques on documents from information sources that do not support such functions, Rao, col. 2, lines 43-48). This step of Rao equals to "Determining which of two or more different types of communication medium" limitation.

4. The FIFO queue of Anderson passage is not a search database.

     The query of Anderson is a search database as search request within an information retrieval system, ssee col. 3, lines 35-49 (i.e. the method begins with a step of receiving information, such as a search request, Anderson, col. 3, lines 35-49; This invention generally relates to communication routing within an information retrieval system and, more particularly described, relates to dynamically routing information from an origination module to a destination module using an adaptive routing architecture within an information retrieval system, Anderson, col. 1, lines 23-35).

     At least for the reasons set forth above, Applicant's arguments have been fully considered but they are not persuasive.